

Mayor Mary Cooper called the meeting to order at 7:04 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

City Manager Lanny Sloan stated that items G, K and L need to be removed from the agenda.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of June 3, 2008 as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Presentation of Street Sign to Jean Lemon**

Assistant City Manager Steve Glammeyer presented Jean Lemon with a street sign for winning the contest to name the truck route.

Ms. Lemon wanted to thank everyone that has made this possible.

**Financial Report**

Assistant City Manager Steve Glammeyer presented a financial report for the period ending May 31, 2008 and answered questions from Council.

**Action on Proposed Water Decree for the Black Canyon**

Attorney Jim Brown explained that there is a proposed decree for the Black Canyon water case. The mediation group believes that it will address all the interests of various parties in the case. This is not a final decree, only for approval in the present form. Mr. Brown explained the various concerns that were presented from peak flows, shoulder flows and flooding. He also explained the process after the proposed decree is signed. He stated that he would recommend Council to approve the proposed decree and authorize him to sign it.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the proposed Water Decree and authorize Attorney Jim Brown to sign the Decree. All in favor, motion carried.

**Public Hearing: Knights of Columbus Special Events Permit Application**

The Mayor closed the regular hearing and convened the public hearing.

City Clerk Jolene Nelson explained that Knights of Columbus has submitted a Special Events Permit Application for the beer garden to be held in conjunction with Deltarado Days scheduled for July 19, 2008 in Cleland Park. The application is complete and the required fees have been paid. The location was posted for ten days prior to this hearing and no comments, either for or against the approval, have been received.

The Mayor called for public comment. When there was none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to approve the Knights of Columbus Grand Mesa Council 2731 special events permit application for July 19, 2008. All in favor, motion carried.

**Regular Meeting, Delta City Council, June 24, 2008 (Cont.)**

**3.2% Beer License Renewal: Wal-Mart Super Center**

The Clerk reported that Wal-Mart Super Center has submitted their 3.2% Beer License Renewal. The current license expires on August 24, 2008. She stated that all fees have been paid. The Police Department reported no violations for the past twelve months and recommends approval.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the 3.2% Beer License Renewal for Wal-Mart Super Center. All in favor, motion carried.

**Public Hearing: Appeal of the May 5, 2008 Planning Commission Decision on the Irwen Rezone Request**

The Mayor closed the regular meeting and convened the public hearing.

Community Development Director Glen Black stated that this is an appeal of the May 5, 2008 Planning Commission. The applicant is requesting that the zone district of 1687 & 1695 Crawford Avenue and one unaddressed parcel be changed from A-1 to B-2. Mr. Black showed slides showing the location. Planning Commission did review this request at the May 5, 2008 meeting and did recommend not to approve the change in zone district. An appeal was filed by Dana and Larry Irwen.

Mr. Black addressed what the B-2 zone district provides for as per the City Code. He stated that the applicant has submitted a written opinion of how the request meets the zone change criteria which is in Council packets. He explained the criteria for rezoning as follows:

According to section 17.04.270 of the City Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed only upon findings as follows:

1. The amendment is not adverse to the public health, safety, and welfare; and
2. a. The amendment is in substantial conformity with the Master Plan; or  
b. The existing zoning is erroneous; or  
c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Mr. Black stated that staff has received five (5) petitions against the rezone and two (2) petitions for the rezone, one of which is the property owners.

Mr. Black answered questions from Council and there was discussion on access and driveways.

The Mayor asked for the applicant's presentation.

Aaron Clay, attorney who represents Dane and Larry Irwen, stated that the access issue is probably not relevant to the decision tonight. The issue tonight involves is this an appropriate rezone request. Since this property has been last rezoned there have been changes in zoning in the properties in the area. He addressed the access concerns and stated the options for an access.

Larry Irwen, owner of the property, explained when he bought the property and how he currently uses the property. He stated that they would like for the zone to change to B-2.

There was discussion on the zoning adjacent to the property.

Mr. Clay answered questions from Council on the criteria of public health, safety and welfare.

The Mayor asked for public comment.

Tom Cheney of 2500 Columbine Lane in Montrose stated that he is co-owner with Jim Renfrow to property east of the property being asked to rezone. He explained why they oppose the rezone. He believes that this property is not ready to be zoned B-2. He stated that their intention for the area is to have low density residential. He recommended that Council affirm the Planning Commission's decision to deny the rezone request.

Mr. Clay responded to Mr. Cheney's opposition stating that properties adjacent are already developing. He stated that the proposed comprehensive plan shows this property high density residential. He said the question is not what Mr. Cheney is doing with his property it is what

## **Regular Meeting, Delta City Council, June 24, 2008 (Cont.)**

### **Irwen Rezone Request (cont.)**

has happened to adjacent properties. Those properties have made several changes. He believes that they have met the zoning criteria to be rezoned to B-2.

There was discussion on the proposed comprehensive plan and access easements.

The Mayor called for public comment. When there was none, she closed the public hearing and reconvened the regular meeting.

Attorney Michael Schottelkotte answered questions from Council.

There was discussion on public health, safety and welfare and also the comprehensive plan.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to deny the applicant's request for a change in zone district from A-1 to B-2. All in favor, motion carried.

### **Discussion on Process for the Appeal of the June 2, 2008 Planning Commission Decision on the Rial Variance/Change in Non-conforming Use Request**

Community Development Director Glen Black explained that this is an appeal of the June 2, 2008 Planning Commission decision on the Rial variance and change in non-conforming use request. He stated that Council needs to decide how they want to proceed on the appeal either by *de novo*, by review of the tape recording on the meeting or by review of the tape recording and review of the transcript of hearing.

David Masters, attorney for the appellant, stated that he would recommend Council to have a *de novo* hearing. He stated that they are unclear of what was approved or denied by the Planning Commission. There was a request of the Planning Commission to approve a variance and a change in non-conforming use. He has not seen a written decision by the Planning Commission. The opponents did appear at the hearing but was not explained that they have an opportunity to ask questions of the applicant. This is the reason they would request a *de novo* hearing so that there is an opportunity for Council to fully hear the evidence for and against this change in non-conforming use request.

Mr. Black answered questions from Council regarding Mr. Masters' concerns that were stated.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to review the tape-recording of the June 2, 2008 Planning Commission decision on the Rial variance and change in non-conforming use request at the regular City Council meeting on July 8, 2008. All in favor, motion carried.

### **Hellman Chevrolet Rezone Request**

Community Development Director Glen Black stated that Hellman Chevrolet submitted a rezone request. Planning Commission reviewed and recommended to not approve the change in zone at the June 2, 2008 meeting. Staff is presenting this to Council per City Code 17.04.290. Staff recommends that no action be taken.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to take no action and move to the next agenda item. All in favor, motion carried.

### **HVAC Unit for the Gym at Bill Heddles Recreation Center**

Culture and Recreation Director Wilma Erven explained that there are currently two units on the roof to support the heating and air conditioning for the gym. They are looking at replacing them with one HVAC unit. The project was budgeted in 2007 for \$20,000. The monies are still in the reserve fund. Staff would recommend awarding the contract for a Lenox 30 ton package heating and cooling unit to be placed in the Bill Heddles Recreation Center Gym to Suppes Heating & Cooling, Inc. for a total amount of \$19,200.

Ms. Erven answered questions from Council.

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to award the Bill Heddles Recreation Center Gym HVAC unit project to Suppes Heating & Cooling, Inc. in the amount of \$19,200. All in favor, motion carried.

**Regular Meeting, Delta City Council, June 24, 2008 (Cont.)**

**Conference Room Divider for Bill Heddles Recreation Center**

Culture and Recreation Director Wilma Erven explained that the divider wall in the Bill Heddles Recreation Center Conference Room needs to be replaced. Staff did budget \$12,000 for the unit and subsequently bid the project. Ms. Erven reported that there were structural concerns that staff had to look at. The project was put out to bid and staff recommends awarding the contract for a divider wall to be replaced in the Bill Heddles Recreation Center Conference Room to Powers Building Solutions for a total amount of \$9,750.

Ms. Erven answered questions from Council.

It was moved by Councilmember Seuell and seconded by Councilmember Pfalzgraff to award the Recreation Center Conference Room Divider Wall project to Powers Building Solutions in the amount of \$9,750. All in favor, motion carried.

**Business Enhancement Report**

Executive Director for the Chamber of Commerce Tj Davis presented the May 2008 Business Enhancement monthly report and answered questions from Council. She asked for volunteers for Deltarado Days.

**City Attorney Comments**

City Attorney Michael Schottelkotte stated that at the next Council meeting he would request an Executive Session to discuss the Tri-County water contract.

**City Manager Comments**

City Manager Lanny Sloan commented on the problems staff is having in receiving bids. He also stated that staff is not ignoring the price of gasoline and diesel. Department heads are looking at different ways to reduce the expenses in those areas.

Mr. Sloan and Council discussed some dates for the retreat.

**Councilmember Comments**

Councilmember Carlquist reported that she attended the CML conference. She also stated that Villas at the Bluff had their ground breaking today. Everyone is very excited to get this project completed.

Councilmember Jurca stated that Council needs to work on making sure the tradition of painting 9<sup>th</sup> Street Hill continues. He also thanked Roger Christian for 21 years of service at the Police Department.

Councilmember Pfalzgraff commented on the Villas at the Bluff.

Councilmember Seuell reported that he also attended the CML conference. He also commented on the Villas at the Bluff.

Councilmember Cooper also commented on the Villas at the Bluff. She stated that she also attended the CML conference.

The meeting was adjourned at 8:45 p.m.

---

Jolene E. Nelson, City Clerk